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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,197	01/31/2001	Leland James Wieschuegel	AUS920000945US1	4475
45993	7590	05/30/2006	EXAMINER	
IBM CORPORATION (RHF)			GARCIA, ERNESTO	
C/O ROBERT H. FRANTZ			ART UNIT	
P. O. BOX 23324			PAPER NUMBER	
OKLAHOMA CITY, OK 73123			3679	

DATE MAILED: 05/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/773,197

Applicant(s)

WIESEHUEGEL ET AL.

Examiner

Ernesto Garcia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### *Priority*

Applicants' claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120.

If applicants desire to claim the benefit of a prior-filed application under 35 U.S.C. 120, a specific reference to the prior-filed application in compliance with 37 CFR 1.78(a) must be included in the first sentence(s) of the specification following the title or in an application data sheet. For benefit claims under 35 U.S.C. 120, 121 or 365(c), the reference must include the relationship (i.e., continuation, divisional, or continuation-in-part) of the applications. Applicants should note that the cross-reference lacks the proper relationship.

If the instant application is a utility or plant application filed under 35 U.S.C. 111(a) on or after November 29, 2000, the specific reference must be submitted during

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the pendency of the application and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior application. If the application is a utility or plant application which entered the national stage from an international application filed on or after November 29, 2000, after compliance with 35 U.S.C. 371, the specific reference must be submitted during the pendency of the application and within the later of four months from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) or sixteen months from the filing date of the prior application. See 37 CFR 1.78(a)(2)(ii) and (a)(5)(ii). This time period is not extendable and a failure to submit the reference required by 35 U.S.C. 119(e) and/or 120, where applicable, within this time period is considered a waiver of any benefit of such prior application(s) under 35 U.S.C. 119(e), 120, 121 and 365(c). A benefit claim filed after the required time period may be accepted if it is accompanied by a grantable petition to accept an unintentionally delayed benefit claim under 35 U.S.C. 119(e), 120, 121 and 365(c). The petition must be accompanied by (1) the reference required by 35 U.S.C. 120 or 119(e) and 37 CFR 1.78(a)(2) or (a)(5) to the prior application (unless previously submitted), (2) a surcharge under 37 CFR 1.17(t), and (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2) or (a)(5) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional. The petition should be addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

If the reference to the prior application was previously submitted within the time period set forth in 37 CFR 1.78(a), but not in the first sentence(s) of the specification or an application data sheet (ADS) as required by 37 CFR 1.78(a) (e.g., if the reference was submitted in an oath or declaration or the application transmittal letter), and the information concerning the benefit claim was recognized by the Office as shown by its inclusion on the first filing receipt, the petition under 37 CFR 1.78(a) and the surcharge under 37 CFR 1.17(t) are not required. Applicant is still required to submit the reference in compliance with 37 CFR 1.78(a) by filing an amendment to the first sentence(s) of the specification or an ADS. See MPEP § 201.11.

### ***Drawings***

The drawings are objected to because the label "Parts Catalog" in feature 609 in Figures 3 and 4 should be --Parts Catalog Database-- according to the description on page 12, line 19. Further, either feature 60 is labeled incorrect in Figure 4 or the label in feature 60 in Figure 3 is incorrect. According to the description of feature 60 on page 11, line 12, it is a Sales Preparation System and not a Sales Preparation Database. Further, feature 62 in Figure 3 should be labeled as "IOS Database" as described on page 11, line 23.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "two computer-

readable repositories" (claim 11, line 4), "the offer description creator"(claim 14, line 1), and "the offer list creator" (claim 15, line 1) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended". If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: “repositories of information sets” recited in claim 1, line 5, and “computer-readable repositories of descriptive data items” recited in claim 11, line 4, “offer description creator” recited in claim 14, lines 2, and “offer list creator” recited in claim 15, line 2 lack proper antecedent basis in the specification.

### ***Claim Objections***

Claims 1, 3, 6, and 11 are objected to because of the following informalities:

regarding claim 1, “number” and “identifier” in line 6 should be --numbers-- and --identifiers-- to agree with lines 8-9, and --said-- should be inserted before “manufacturer” in line 9;

regarding claim 3, “and” in line 2 should be --an--; and,

regarding claim 6, “identifier” in line 8 should be --identifiers--, and --said-- should be inserted before “manufacturer” in line 11; and,

regarding claim 11, --said-- should be inserted before “descriptive” in line 6 as the data items are those recited in line 4, and --said-- should be inserted before “manufacturer” in line 7 as the identifiers are those recited in line 5. Appropriate

correction is required. For purposes of examining the instant invention, the examiner has assumed these corrections have been made.

***Claim Rejections - 35 USC § 112***

Claims 1-10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claims 1 and 6, the original specification does not have support for the step of “dynamically linking the information sets and data items to the part numbers and said manufacturer identifiers” described on claim 1, lines 8-9, and claim 6, lines 10-11. According to page 8, lines 9-15, the descriptive information is dynamically linked to the manufacturer identifier and the part number. Nowhere does the specification mention information sets and data items. Further, according to page 8, lines 9-15, it states one part number and one manufacturer identifier and not the plurality.

Applicants argue that it is improper to imply from the language of the summary that only one synchronization step is performed. In response, the examiner was merely pointing out a passage of where dynamically linking is mentioned and what is being



linked. Further, the argument is irrelevant as the support for the features recited as stated above is still lacking.

Regarding claims 2-5, the claims depend from claim 1 and therefore do not comply with the written requirement.

Regarding claims 7-10, the claims depend from claim 6 and therefore do not comply with the written requirement.

Regarding claim 11, there is no support for "dynamic links between descriptive data items and product parts numbers and manufacturer identifiers" as described in line 6-7. According to the original specification, there is only support for "dynamic links between descriptive data items and product parts numbers" (see original claim 11).

Regarding claims 12-15, the claims depend from claim 11 and therefore do not comply with the written requirement.

Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1 and 6, the metes and bound of the claim is unclear. In particular, the limitation "upon request by a trader" in claim 1, line 11, and in claim 6, line 12, makes unclear and uncertain whether the remainder of the claim produces a tangible and concrete result. Applicant should note that "if statements" are not concrete statements. In other words, the limitation "upon request" alternatively indicates "if requested by a trader". Thus, the language does not indicate that the synchronization of the content of the sales preparation system takes place. Further, it is unclear how "executing a synchronization script or program", recited in lines 9-10, "dynamically links the information sets and data items to the part numbers and the manufacturer identifiers" recited in line 8. One skilled in the art will consider a synchronization step occurring in lines 9-10 by mere execution of the synchronization script or program; thus, it is unclear how copying information from one database to another database, which is synchronization, results a dynamic link. Alternatively, synchronizing information constitutes placing information of a newer database to an older database as a result both databases have the same information. Does dynamically linking constitute mere synchronization?

Further, it is unclear what are the "contents of a Sales Preparation System" recited in line 12. According to applicants' remarks on page 12, in the third paragraph, item 60 is one of the two computer-readable repositories or a database. Thus, the Sales Preparation System 60 is actually a double inclusion of one of the repositories

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already recited in line 5. Given applicants' statement, it is unclear how the database 60 actually synchronizes itself according to claim 1, lines 12-13.

Regarding claims 2 and 3, it is unclear whether "the step of synchronization" in line 1 is that of claim 1, line 8, or that of claim 1, line 11.

Regarding claims 5 and 10, how does saving a copy of an information set statically links the copy to the most created data items? Further, where is the copy saved?

Regarding claim 11, the metes and bounds of the claim is unclear. This claim is directed to a system yet it is unclear whether the repositories, the dynamic links, the repository synchronizer, the offer promoter, and the user interface are physical components as in electronic components. If these are mere electronic databases, the databases need to be residing in a computer medium as in memory, or a record medium to exist. Further, the limitation "a user interface to an Interactive Offer System user interface" in line 14 is either grammatically incorrect, or the limitation is incomplete.

Regarding claim 12, how does adapting the repository synchronizer to replace and add links on a timed basis further limits the system?

Regarding claim 13, how does further adapting the repository synchronizer to replace and add links responsive to a request for information from the repositories further limiting the system?

***Claim Rejections - 35 USC § 102***

Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Perkowski, application publication, US2003/0009392 A1.

Regarding claim 1, Perkowski discloses a method comprising;  
providing at least two repositories (each manufacturer has a database) of information sets and data items indexed to product part numbers (product description are indexed to UPN, UPC, or EAN; paragraph 023);

dynamically linking the information sets and the data items to the part numbers and manufacturer identifiers by executing a synchronization script or program at a predetermined time or responsive to a predetermined event (Para. 0031 and 0047-0049);

synchronizing contents of a Sales Preparation System with the repositories; (0049) the information sets, the data items, and the contents of the Sales Preparation System represent full information sets of most recently created data items, including the contents of said Sales Preparation System;

promoting the full information sets to an online auction system responsive to authorization of a trader (Para. 0054); and

presenting the full information sets to one or more online bidders via said online auction system (it is recognized that once the method of Perkowski is used on online auctions; the full information sets, i.e., the synchronized contents are presented to online bidders).

Regarding claims 2, 7, and 12, synchronizing is performed on a periodic basis (paragraph 085).

Regarding claims 3, 8, and 13, synchronizing is performed responsive to a request. Applicants should note that the breadth of this claim does not exclude a manager of a manufacturer or someone in charge of making sure the information is uploaded to the master database. Therefore, a manager can just request an employee to synchronize the information, which in other words means synchronization is performed responsive to a request by the manager.

Regarding claims 4, 9, and 14, the method further includes:

providing a list to a user. Note, the list is viewed as a spreadsheet with text or numerical information (see paragraphs 0047,0055, 0824 and 0101).

Regarding claims 5, 10, and 15, paragraphs 0093, 0101, and 0476 indicate that the data can be statically linked which inherently indicates saving a copy of an information set linked such that the saved copy is statically linked to the most recently created data items.

Regarding claim 6, given the system of Perkowski, Perkowski discloses a computer readable medium containing a program code having the steps set forth in claim 1.

Regarding claim 11, given the method in claim 1, Perkowski discloses a system comprising:

- at least two computer readable depositories of descriptive data items;
- at least one of the repositories is indexed to part and manufacturer identifiers;
- dynamic links between the descriptive data items and product part numbers and the manufacturer identifiers;
- a repository synchronizer (the RDBMS; Para. 0047);
- an offer promoter (CPIR; Para. 0057); and,
- a user interface (CPID GUI (graphical user interface); Para. 0057).

***Response to Arguments***

Applicant's arguments filed February 21, 2006 have been fully considered but they are not persuasive.

Applicants argue that Perkowski provides a system in which the links between information items in a catalog are updated manually such as by system administrators, and that Perkowski states on paragraph 0496 that dynamic changes in relationship are "carried out by a system administrator or manager". In response, Perkowski uses the terms "automatically" and "continuously" through the use of the RDBMS" (see Para. 0049, 073, 080, and in particular paragraph 0085 and 0988). Therefore, conventional data synchronization techniques are used as well as automatic, which makes a dynamic technique. Further, in regards to the paragraph 0496, this makes reference to the initial database shown in Figure 4A1, while the examiner is relying on all the databases used in the RDBMS instead. Notably, the initial database, the IPI Registrant Database as described in Figure 4A1, is entered by a human being to exist so that the initial database is manipulated or used in the RDBMS where the links are synchronized.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 571-272-70837083. The examiner can normally be reached from 9:30-6:00. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached at 571-272-7087.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

E.G.

E.G.

May 23, 2006

A handwritten signature in black ink, reading "Daniel P. Stodola". The signature is fluid and cursive, with the first name "Daniel" and last name "Stodola" clearly legible.

DANIEL P. STODOLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600